

AN ORDINANCE

99087

**AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO NEGOTIATE TERMS AND CONDITIONS BY WHICH THE CITY WOULD EXCHANGE CERTAIN CITY-OWNED PROPERTY IN THE CATTLEMAN'S SQUARE AREA FOR PROPERTY OWNED BY THE UNIVERSITY OF TEXAS BOARD OF REGENTS IN THE HEMISFAIR PARK AREA SUBJECT TO FINAL APPROVAL BY CITY COUNCIL AND THE BOARD AND APPROPRIATING FUNDS IN AN AMOUNT NOT TO EXCEED \$35,000.00 FOR DUE DILIGENCE EXPENSES ASSOCIATED WITH THE PROJECT.**

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**WHEREAS**, the City of San Antonio owns real property in the vicinity of the University of Texas at San Antonio's downtown campus; and

**WHEREAS**, University of Texas Board of Regents owns property in HemisFair Park that is adjacent to planned renovations and improvements to the City owned park; and

**WHEREAS**, both the City and the Board of Regents desire to negotiate the definitive terms and conditions of an exchange of the properties in order for both entities to expand, renovate and improve their respective facilities; and

**WHEREAS**, the City Council desires to authorize City staff to negotiate a final agreement on certain terms and conditions set out below; and

**WHEREAS**, the negotiated agreement will be subject to the approval of the Board of Regents, the Planning Commission's review and recommendation and approval by the City Council; NOW THEREFORE,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager or her designee is hereby authorized, subject to review by the Planning Commission and to final approval by City Council and the University of Texas Board of Regents ("Board"), to negotiate terms and conditions with the Board, by which property in the Cattleman's Square Area owned by the City (Cattleman's Square Parking Lot and the CITY's real property interest in the Business and Technology Center property) would be exchanged for an approximately 6-acre tract of land, owned by the Board, located in HemisFair Park adjacent to the Institute of Texas Cultures. It is understood that the City owns the real property upon which the Business and Technology Center is located and which is subject to a ground lease, but not the permanent improvements thereon. Further, the City intends to reserve certain existing leasehold rights it possesses as a tenant of the Business and Technology Center building. The proposed exchange would generally include the following terms and conditions;

- a) City will transfer title to the Cattleman's Square Parking lot and the previously described interest in the Business Technology Center properties to the University of Texas Board of Regents with the land to be used for the construction and development of higher education facilities for educational programs for the University of Texas San Antonio ("UTSA") as may be within the mission or purposes, as may be determined from time to time by the Board of Regents, the Texas Higher Education Coordinating Board, or the Texas Legislature. Except for minor conveyances required for public thoroughfares and utility infrastructure, none of the land can be conveyed to a third party within a period of 20 years from the transfer.

b) The Board of Regents will transfer title to the approximately 6 acre tract of land in HemisFair Park adjacent to the Institute of Texan Cultures ("ITC") to the City of San Antonio with approximately 150 parking spaces being made available to the visitors, employees, and volunteer workers of the ITC for programs in the ITC for as long as the existing parking facilities on the site remain in place. Accommodations will be made to conduct the Folk Life Festival and like programs of the ITC in the immediate vicinity of the exhibition hall. UTSA will provide reasonable access to the site from Durango Street.

c) The City and UTSA will work together to plan for the long-term future of the ITC and the 14.69 acre site upon which it is located.

d) The City and UTSA will work together to develop a plan for revitalization of the area surrounding the Downtown Campus and expansion of the campus as required to fulfill its mission for the next 50 years.

**SECTION 2.** The City staff is authorized to conduct appropriate due diligence investigations and the following financial adjustments are authorized as may be necessary to implement this Ordinance:

(a) The amount of \$35,000.00 is appropriated in fund 43-814009, Certificates of Obligation, 1988 Taxable Municipal Hotel Occupancy, in index code 494989, and is authorized to be encumbered and made payable for due diligence expenses in connection with the Cattleman Square area/HemisFair Park area property transaction with the University of Texas Board of Regents.

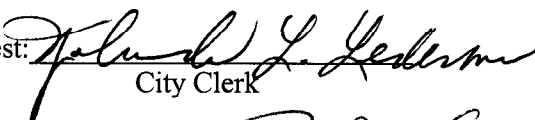
(b) The Director of Finance is authorized to record and account for the property transaction in accordance with Generally Accepted Accounting Principles (GAAP) and all applicable laws.

(c) The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

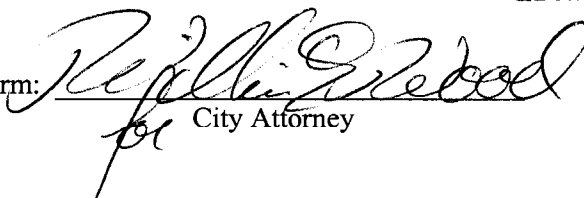
**SECTION 3.** The properties are generally depicted on the document which is attached hereto and which is labeled as "Exhibit A."

**SECTION 4.** This Ordinance shall be effective on April 25, 2004.

**PASSED and APPROVED** this 15<sup>th</sup> day of April, 2004.

Attest:   
City Clerk

  
MAYOR  
EDWARD D. GARZA

Approved as to form:   
City Attorney